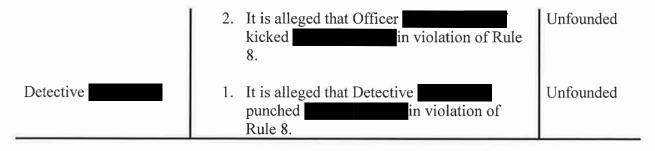
# SUMMARY REPORT OF INVESTIGATION<sup>1</sup>

Date/Time/Location of Incident:	December 16, 2016; 9:23 a.m.; 3120 W. Taylor Street
Date/Time of COPA Notification:	December 21, 2016; 1:01 p.m.
Involved Officer #1:	star# employee ID# Date of Appointment: 2004; Police Officer; Unit of Assignment: District; Date Of Birth: 1974; Male; White.
Involved Officer #2:	Date of Appointment: 2013; Police Officer; Unit of Assignment: District; Date of Birth: 1986; Male; White.
Involved Officer #3:	star# employee ID# Date of Appointment: 2006; Detective; Unit of Assignment: Date of Birth: 1982; Male; Asian.
Involved Individual #1:	DOB: 1999; Male; Black.
Case Type:	Excessive Force

## I. ALLEGATIONS

Officer	Allegation	Finding
Officer	<ol> <li>It is alleged that Officer tackled to the ground, in violation of Rule 8.</li> <li>It is alleged that Officer kicked in violation of Rule 8.</li> </ol>	Exonerated Unfounded
Officer	1. It is alleged that Officer tackled to the ground, in violation of Rule 8.	Unfounded

<sup>&</sup>lt;sup>1</sup> On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Therefore, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.



## II. SUMMARY OF EVIDENCE<sup>2</sup>

	was arrested	d after Sgt.	aı	nd Officer		observed
and co-off	ender	riding	in a stolen	vehicle. T	The officers	conducted a
traffic stop and	and	fled from the v	ehicle.	stated	that officers	tackled him
to the ground, kick	ed and punched	him as he attem	pted to exit	the vehicle	e; de	nied fleeing.
Officer	acknowledged	that he perform	med a take	down as	fled;	and Officer
acknowledg	ged that he perfor	rmed an emerge	ncy handcuf	ffing. Both	officers der	nied that they
kicked	Detective	denied that he	punched	Depa	rtment repo	rts document
that was c	harged with Cri	minal Trespass	to Vehicles	and note	that he was	taken to St.
Anthony Hospital	for a scrape to	his face susta	ined during	the take	down. Med	dical records
document that	was running	g when he slipp	ed and fell	on ice, hur	ting the righ	nt side of his
face. was	diagnosed with	facial abrasions	s. There is	no docume	entation of	being
kicked or punched	. In-car video f	from Sgt.	and Offic	eer	vehicle do	es not depict
arrest; how	wever, the audio	revealed that be	oth occupan	ts ran from	the vehicle	and officers
gave the direction	of flight as they	pursued	and			

#### III. LEGAL STANDARD

For each Allegation COPA must make one of the following findings:

- 1. Sustained where it is determined the allegation is supported by a preponderance of the evidence;
- 2. <u>Not Sustained</u> where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
- 3. <u>Unfounded</u> where it is determined by clear and convincing evidence that an allegation is false or not factual; or
- 4. Exonerated where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

<sup>&</sup>lt;sup>2</sup>COPA conducted a full and complete investigation of this matter, including the interview of all pertinent civilian and officer witnesses, and the collection and review of digital, documentary, and forensic evidence. As part of COPA's ongoing efforts to increase case closure capacity, certain cases opened under IPRA are summarized more succinctly in a Modified Summary Report of Investigation, pursuant to COPA Guideline Modified Summary Report of Investigation Template and Approvals, effective February 13, 2019.

fled in a different direction and did not witness arrest.

A preponderance of evidence can be described as evidence indicating that it is more likely than not that the conduct occurred and violated Department policy. See Avery v. State Farm Mutual Automobile Insurance Co., 216 III. 2d 100, 191 (2005), (a proposition is proved by a preponderance of the evidence when it has found to be more probably true than not). If the evidence gathered in an investigation establishes that it is more likely that the misconduct occurred, even if by a narrow margin, then the preponderance of the evidence standard is met.

Clear and convincing evidence is a higher standard than a preponderance of the evidence but lower than the "beyond-a-reasonable doubt" standard required to convict a person of a criminal offense. See *e.g.*, *People v. Coan*, 2016 IL App (2d) 151036 (2016). Clear and Convincing can be defined as a "degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true." *Id.* at ¶ 28.

## IV. ANALYSIS AND CONCLUSION

alleged that during his arrest, office punched him as he attempted to exit the vehicle. Off Officer performed a take down as emergency handcuffing. account is not cred the available evidence suggests that and reveal that injuries were sustained when he s reported being kicked or punched. Therefore, the to the ground is Exonerated and the additional Unfounded.	fled and Officer performed an ible. He claims that he never fled; however, both fled from the vehicle. Medical records lipped and fell on ice, and that never allegation that Officer tackled
Approved:  Jay Westensee  Deputy Chief Administrator – Chief Investigator	7/31/19 Date

# Appendix A

Assigned Investigative Staff

Squad#:	
Investigator:	
Supervising Investigator:	
Deputy Chief Administrator:	Jay Westensee, #